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STATE OF DELAWARE
BOARD OF CLINICAL SOCIAL WORK EXAMINERS

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PUBLIC MEETING MINUTES:	BOARD OF CLINICAL SOCIAL WORK EXAMINERS
MEETING DATE AND TIME:	Monday, June 20, 2016 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES FOR APPROVAL:	July 18, 2016

MEMBERS PRESENT

Rochelle Mason, Professional Member, **President**, Presiding
John Mucha, Professional Member, **Vice President**
Kyla Teed, Public Member **Secretary**
Sandra Bisgood, Public Member
Florienda Scott-Cobb, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Maria Higdon, Administrative Specialist II

MEMBERS ABSENT

Tara Donofrio, Public Member
Lori Scott, Professional Member

ALSO PRESENT

Marlene Saunders, NASW-DE
Vicki Root, Salisbury University, NASW-DE
Batya Hyman, Salisbury University, NASW-DE
Dale Perkel, Nemours, AIDHC
Pat Redmond, Nemours, AIDHC
Janet Teixeira, Cancer Care Connection
Lanae Ampersand
Michael Kurliand, Nemours
Chavon Dottin, Delaware State University
Lisa Allison, OMB/HRM
Amy Bonner, OMB/HRM

CALL TO ORDER

Ms. Mason called the meeting to order at 9:07 a.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed May 16, 2016 minutes for approval. Ms. Bisgood moved, seconded by Ms. Teed, to approve the minutes with changes. Motion unanimously carried.

The Board reviewed April 18, 2016 minutes from the stakeholders meeting for approval. Ms. Bisgood moved, seconded by Ms. Mason, to approve the minutes with changes. Motion unanimously carried.

UNFINISHED BUSINESS

Discussion Regarding Joint Sunset Committee Recommendations

Ms. Mason stated that Ms. Kelly presented the Board with a final draft from all the discussion and special meetings. Ms. Kelly read over all the areas which had red showing the most recent changes that the Board made.

The Board took a break from 10:37 to 10:42 while Ms. Wagner made copies of the draft.

The Board resumed their discussion. Ms. Kelly completed her line by line reading of the draft changes only. Ms. Kelly made some clarifications regarding exemptions and grandfathering. Dr. Saunders asked for clarification regarding the date of enactment and that licensure of state workers is voluntary. Ms. Bonner explained to Dr. Saunders, that if a state worker currently is working doing the job of a social worker after the enactment date, that person can then apply for licensure if they choose to, if they choose not to apply for licensure, then they will never be able to promote into a job that has anything to do with social work. Dr. Saunders wanted to know what happens if a person has the title social work but does something unethical would that fall under the Board's jurisdiction? Ms. Bonner stated again that getting a license will be voluntary whether they have degrees or not for state workers. Ms. Kelly added language for foreign educated persons. Ms. Mason asked the Board to take a look at the grandfathering language again just so that everyone is clear. Ms. Mason moved, seconded by Ms. Scott-Cobb, to accept the draft that Ms. Kelly submitted with amendments. Motion unanimously carried.

Mr. Mangler thanked the Board for all of their hard work and struggles, but it is done. Mr. Mangler thanked Dr. Saunders for all of her hard work as well.

NEW BUSINESS

Rule and Regulation Public Hearing – 9:00 a.m.

HEARING MINUTES

RULE AND REGULATION PUBLIC HEARING ON TELEHEALTH

The Delaware Board of Clinical Social Work Examiners held a hearing on June 20, 2016 at 9:00 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: John Mucha, Florianda Scott-Cobb, Sandra Bisgood, Kyla Teed

PURPOSE: The Board proposed amendments to the regulations in regards to Telehealth.

PRESIDING: Rochelle Mason, President

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

TIME STARTED: 9:26 a.m.

The hearing was recorded taking verbatim testimony. Ms. Kelly summarized the proposed revisions. Ms. Kelly said the proposed changes were published in the Delaware Register of Regulations on May 1, 2016 and the comment period has been open since then. Ms. Kelly entered documents as Board Exhibit 1 News Journal notification and Board Exhibit 2 Delaware State News notification, Board Exhibit 3 is a letter from Janet Teixeira, Executive Director of Cancer Care Connection, Board Exhibit 4 is a letter from Dr. Marlene Saunders, Director of the NASW-DE chapter. Ms. Kelly had the Board member introduce themselves to the public. Ms. Kelly asked the public if there was anyone here to make comments on the regulations.

The first speaker was Ms. Dale Perkel, Director of Social Work at the Al DuPont Hospital for Children. Ms. Perkel passed out her written comments and a map which were marked as Board Exhibit 5. Ms. Perkel thanked the Board for allowing her to address them about the telehealth regulations. Ms. Perkel stated that being that the hospital is the biggest provider of services in the State of Delaware there are some concerns with some of the language in the regulations. Ms. Perkel stated that section 10.6 prohibits children to receive services through telehealth. This regulation is unnecessarily restrictive and she asked that this be removed so that children can receive telehealth services. There are some concerns about the restrictions in 10.12 which prohibit social workers from using telehealth services beyond 60 days and restrict evaluating, reevaluating, and discharging through telehealth services. Ms. Perkel stated that she could see no real clinical or policy reasons for these restrictions. There is a lack of behavioral health services in Delaware especially in the Sussex County area. Telehealth technology can really help Delawareans. The children of today are very familiar and comfortable using technology, so it could enhance the lives of many Delawareans and most of all many children. In conclusion, Ms. Perkel urged the Board to remove sections 10.6 and 10.12 as these are too restrictive and will not help the children of Delaware and issue the remaining regulations, which will provide for quality, confidentiality and the responsible use of technologies that can enhance the lives of many Delawareans, including many children. Ms. Perkel thanked the Board for allowing her to voice her recommendations to the proposed regulations.

The next speaker was Ms. Janet Teixeira, Executive Director of Cancer Care Connection. Her concerns were very similar to Ms. Dale Perkel's in dealing with cancer patients and their care givers. Ms. Teixeira submitted a written comment stating that Cancer Care Connection provides programs of services to cancer patients. The organization is staffed with clinical social workers and provides services in person and by phone. This modality can really help with care. The regulations that present barriers are 10.1 that will restrict primary needs and 10.12 in that the 60 days is very restrictive. If these regulations are not changed, it will tie the hands of clinical social workers in performing and maintaining the needs of patients in the State of Delaware through the use of telehealth. This could reduce the role of licensed clinical social workers in bringing behavioral health to where the state wants it to be.

The next speaker was Lanae Ampersand, provider in the local community and a licensed clinical social worker. Ms. Ampersand wanted to ditto what Ms. Perkel and Ms. Teixeira both stated. Ms. Ampersand's main concern was 10.6 where the person has to be 18 years of age or older. Ms. Ampersand stated that telehealth is advancement in treatment worldwide and she would hate to see our youths being left behind with the use of this treatment. Ms. Ampersand would like to ask that 10.6 be changed so that it is not so restrictive.

The next speaker was Michael Kirkland, Director of Telehealth at Nemours Al DuPont Hospital for Children. Mr. Kirkland wanted to echo the comments made so far and give a little bit of a snapshot of the hospital's experience thus far with the use of telehealth. He has noticed that some specialties whether at Nemours or

elsewhere have they have received more referrals for people that otherwise would not reach out to a professional for help.

The next speaker was Dr. Marlene Saunders, Executive Director of NASW-DE. Dr. Saunders stated that she was here today on behalf of Norwood Coleman, President of NASW-DE with comments which he would like to share. Dr. Saunders stated that the Board's proposed telehealth regulations, namely 10.6 and 10.12, limit the practice of social work, once again, placing the profession in a secondary position to disciplines such as medicine, psychology, and nursing which do not place age restrictions on the use of telehealth.

Telehealth responds to inadequate access to services for some populations, and provides effective means for providing services to persons for who going to an office for services does not occur. She stated that there are agencies that are already rendering services electronically. These Agencies include, but are not limited to, the Mental Health Association in DE, Cancer Care Connection, and DE Guidance Services for Children and Youth. The proposed regulations prevent social workers from engaging young people who are motivated for services but live in challenging caregiver situations where the caregiver has limited motivation and/or appreciations for the experience and opportunity for treatment. 10.6 denies minors access to services through legal means.

Dr. Saunders further stated that based on the provision that youth are able to consent for clinical services from the age of 14 into adulthood without parental consent, why does the DE Board of Clinical Social Work Examiners believe that telehealth regulations should restrict the use of telehealth to youth via electronic services?

NASW-DE conducted a survey and most feel that the age for individuals using telehealth should start at 14 year of age and that the Board should conform to state laws when establishing regulations governing telehealth as stipulated in the Association of Social Work Boards standard for the use of technology for social work practices.

In closing, Dr. Saunders stated that NASW-DE certainly hopes that this statement provides the Board ample justification to review its proposed regulations in order to reflect the point of view of service providers and respect the competence of providers to make decisions regarding the use of telehealth.

Ms. Kelly said the written comment period would remain open for an additional 15 days. Written comments only will be accepted for the additional 15 days. The Board will deliberate on the proposed changes at its next regularly scheduled meeting on July 18, 2016. Ms. Kelly will ask that Ms. Wagner put the deliberations on the next agenda. The hearing concluded at 9:48 a.m.

Ratification of Applications to Sit for ASWB Clinical Exam

Ms. Scott-Cobb moved, seconded by Ms. Bisgood to ratify the application to sit for the ASWB Clinical Exam for Kealey Johnson. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Bisgood, to ratify the application to sit for the ASWB Clinical Exam for Alicia Sholtz. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Bisgood, to ratify the application to sit for the ASWB Clinical Exam for Camethia Baker. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Bisgood, to ratify the application to sit for the ASWB Clinical Exam for Kristine Rodrigues. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Bisgood, to ratify the application to sit for the ASWB Clinical Exam for David Nyandiba. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Bisgood, to ratify the application to sit for the ASWB Clinical Exam for Robert Riddler. Motion unanimously carried.

Ratification of Applications for Licensure by Reciprocity

Ms. Scott-Cobb moved, seconded by Ms. Mason, to ratify the application for licensure by reciprocity for Dana Newman. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Mason, to ratify the application for licensure by reciprocity for Bernita Johnson. Motion unanimously carried.

Review of Applications to Sit for ASWB Exam (Full Board Review Required)

Ms. Scott-Cobb moved, seconded by Ms. Teed, to approve the application to sit for the ASWB Clinical Exam for Felicia Brackin. Motion unanimously carried.

Ms. Scott-Cobb moved, seconded by Ms. Bisgood, to approve the application to sit for the ASWB Clinical Exam for Rhoda Phillips. Motion unanimously carried.

Review of Applications for Licensure by Reciprocity (Full Board Review Required)

Ms. Scott-Cobb moved, seconded by Ms. Mason, to approve the application for licensure by reciprocity for Dana Hackey. Motion unanimously carried.

Review and Discussion of Current Board's Crimes List

Ms. Kelly explained the reason for this to be on the agenda; however the Board was advised that this discussion should be tabled until a future meeting.

Review and Consider Consent Agreements

Ms. Kelly discussed the consent agreement for Gerald Wesley Jones, III. After review and discussion by the Board, Ms. Mason made a motion, seconded by Mr. Mucha, to reject the consent agreement for Mr. Jones. The Board would like to remove section 10-C and would like to add 3 hours of professional ethics to be completed during probation. Motion unanimously carried.

CORRESPONDENCE

Review Request for Special Accommodations to sit for ASWB Exam

A request was submitted to the Board asking for special accommodations to sit for the ASWB Exam. After discussion and seeing that the request met the requirements for special accommodations, Ms. Bisgood made a motion, seconded by Ms. Teed, to approve the special accommodations for Yetunde Olobatuyi. Motion unanimously carried.

Letter from Chavon Dottin

Ms. Dottin submitted a letter to the Board asking for an extension to allow her application to remain in an approved status for an additional year. Due to some medical issues Ms. Dottin is making this request to the Board.

Ms. Kelly read from the rules and regulations where it states this:

5.1 Applications will be kept active and on file for two (2) years. If the applicant fails to meet the licensure requirements and/or pass the examination within two (2) years, the application shall be deemed to have expired

and the applicant must reapply in the same manner as for initial application, i.e., by submitting the application documentation along with the proper fee to be eligible to sit for the examination.

The Board asked if there was any way of waiving this requirement for Ms. Dottin. Ms. Kelly stated that it says must reapply which is a directive. A question was asked if the Board would be able to waive just the fee for Ms. Dottin as Ms. Dottin stated that she has had a lot of medical expenses. Ms. Kelly stated that the fees and waiving of the fees are not up to the Board. The Board would really like to help Ms. Dottin out and wanted to know what could be done. Ms. Dottin stated that it is not just the fees, but that this situation was out of her control and it is not like she just let the two years just go by without trying to sit for the exam. Ms. Mason stated that she is not sure the Board can grant her even 3 months, but if Ms. Dottin reapplies she will have another two whole years to sit for and pass the exam. Ms. Dottin stated that there are other fees involved like the background check. Ms. Dottin stated that it is not just the fees but that she doesn't feel like she got the chance to utilize her time this past two years. The Board is open to extending Ms. Dottin's time; however there is a policy in place. Most people request an extension for continuing education. Ms. Dottin asked if anyone else has ever asked for an extension for their application. Ms. Mason stated that although the Board is sympathetic their hands are tied. Waiving fees is not something that the Board can do. Ms. Dottin asked who she could talk to then because she feels that she is being discriminated against for having medical issues. Ms. Mason asked if Mr. Mangler could address the situation since he was sitting in attendance in the meeting. Mr. Mangler stated that he receives requests from individuals asking for fees to be waived or returned for several different reasons. Mr. Mangler stated he does not want to sound cold and callused, but if he gave money back to people and did not charge fees the Division would have to turn their lights out as the Division runs on the money collected not the State's general fund. Ms. Dottin stated that she is not asking for money back. Mr. Mangler understands that, but the Board has a requirement in their rules for reapplying after 2 years. When the application comes back in Mr. Mangler has to pay staff for the processing of the application and it is touched by several staff members for processing. Mr. Mangler stated that most people believe that the license they get is what they are paying for, but the reality is it is the staff processing their paperwork is what the money is for. Mr. Mucha asked if the NASW-DE would be able to assist Ms. Dottin with money or some kind of scholarship. Ms. Mason stated at this time Ms. Dottin it looks like the Board has to deny your request for an extension and that you will need to reapply. Ms. Mason stated she is very sorry about that.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Ms. Scott-Cobb requested that an update regarding off-site mobile Board meetings be placed on the July 18, 2016 meeting agenda.

PUBLIC COMMENT

Dr. Saunders stated that she is retiring as of June 30th. Dr. Saunders stated that it has been a pleasure working with the Board and the Board thanked Dr. Saunders for all of her support, kindness, advocating for the social workers of Delaware.

NEXT MEETING

The next meeting will be held on July 18, 2016 9:00 a.m. in Conference Room A.

ADJOURNMENT

Ms. Bisgood moved, seconded by Ms. Mason, to adjourn the meeting. Motion unanimously carried. There being no further business before the Board, the meeting adjourned at 11:17 a.m.

Respectfully submitted,

Board of Clinical Social Work Examiners

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A handwritten signature in black ink that reads "Sandra Wagner". The script is cursive and fluid, with the first name "Sandra" and last name "Wagner" clearly legible.

Sandra Wagner, Administrative Specialist III
Delaware Board of Clinical Social Work Examiners